

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

January 11, 2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00325HG-03

CASE NAME: UNITED STATES OF AMERICA v. (03) AUDREY PACHECO now known as "Audrey Garnet Pacheco"

ATTYS FOR PLA: Chris A. Thomas, AUSA

ATTYS FOR DEFT: Daniel T. Pagliarini, Esq.

U.S.P.O.: Carter A. Lee

JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: January 11, 2007

TIME: 2:15 - 2:40

COURT ACTION: SENTENCING TO COUNT 6 OF THE INDICTMENT
AS TO DEFENDANT (03) AUDREY PACHECO
now known as "Audrey Garnet Pacheco" -

The defendant is present on bond.

The Court finds that the defendant qualifies for the "safety valve" provision as set forth in 18 U.S.C. Section 3553(f)(1)thru(5).

The Memorandum of Plea Agreement is accepted.
Allocution by the defendant.

ADJUDGED:

IMPRISONMENT of 30 mos.

SUPERVISED RELEASE: 4 yrs upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition).
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the fine of \$2,500 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of her monthly gross income. Interest is waived while the defendant is serving her term of imprisonment and shall commence to accrue on any remaining balance upon her release on supervision.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.

Special assessment: \$100.00

Advised of rights to appeal the sentence.

MITTIMUS: That the defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons by 2:00 p.m. on February 22, 2007.

RECOMMENDATIONS: FCP/FMC Carswell, TX, FCI Dublin, CA, or FCI Phoenix, AZ. That the defendant participate in the 500-Hundred Hour Comprehensive Drug Treatment Program, mental health treatment and educational/vocational training programs.

Government's Oral Motion to dismiss Count 1 and 9 of the Indictment in CR-05-00325HG-003 is GRANTED. The government shall prepare an order.

Submitted by: Mary Rose Feria, Courtroom Manager